

MEMORANDUM
MONROE COUNTY PLANNING DEPARTMENT

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To: The Planning Commission
From: Julianne Thomas, Planner
Through: Aref Joulani
 Sr. Director of Planning & Environmental Resources
Date: January 17, 2007

RE: *Florida Keys RV Park Map Amendment at 106003 Overseas Hwy in Key Largo*

I MEETING DATE: January 24, 2007

II REQUEST:

A. Proposal: The Applicant is proposing a land use designation change from Suburban Commercial (SC) to Mixed Use (MU). The parcel is being proposed for a land use designation change has three (3) land use designations. The only portion applicant is requesting to change is the portion designated SC.

B. Location:

1. Island & Mile Marker: Key Largo, MM 106
2. Address: 106003 Overseas Hwy, Key Largo
3. Legal Description: Island of Key Largo, Pt. Lots 5-12-13, Section 6, Township 61S, Range 40E, Monroe County, Florida
4. RE Number (s): 00083970.000000

C. Applicant:

1. Owner: Northstar Resort Enterprises Corp.
2. Agent: Reed & Company

III PROCESS:

Pursuant to Monroe County Code (MCC) §9.5-511(d), an applicant must present a request to the Development Review Committee (DRC), Planning Commission (PC) and Board of County Commissioners (BOCC). As this request does not require a Comprehensive Plan amendment, there will be no transmittal to the State. The applicant presented this request at the October 10, 2006 DRC meeting. The PC meeting and BOCC meetings shall be in Key Largo.

IV PRIOR COUNTY ACTIONS:

Development Order #5-04, dated June 29, 2004, identified the Florida Keys RV Park (MM106) as the receiver site for forty-seven (47) ROGO exemptions from the Northstar

1 Resort site (MM99.5) to be built as attached affordable housing units. The units will be
2 able to be received onsite pending approval of the major conditional.
3

4 Resolution P55-03 dated October 22, 2003, approved the request filed by Northstar
5 Resort to transfer one hundred twenty-six (126) ROGO exemptions off of the Florida
6 Keys RV Park (MM106).
7

8 Resolution P56-03 dated October 22, 2003 approved the request filed by Northstar Resort
9 to receive seventy-seven (77) ROGO exemptions from the Florida Keys RV Park
10 (MM106) at the Northstar Resort site (MM99.5).
11

12 In July 2006, a Resolution for an amendment to a major conditional use permit passed
13 which approved the request by Northstar Resort to receive the 49 remaining ROGO
14 exemptions identified in P55-03.
15

16 In October 2006, the DRC recommended approval of this map amendment to the
17 Planning Director without any conditions.
18

19 V BACKGROUND INFORMATION: 20

21 A. **Existing Land Use District:** Suburban Commercial (SC), Suburban Residential
22 (SR) and Native Area (NA)

23 B. **Existing Future Land Use Designation:** Mixed Use/Commercial (MC),
24 Residential Low (RL) and Residential Conservation (RC)

25 C. **Proposed Land Use District:** Mixed Use (MU), Suburban Residential (SR) and
26 Native Area (NA)

27 D. **Proposed Future Land Use Designation:** No change proposed

28 E. **Proposed Tier Designation:** Tier III

29 F. **Size of Site:** 10.24 acres of upland and 1.443 acres of submerged lands (borrow
30 pit). A total of 9.88 acres is Suburban Commercial.

31 **G. Land Use and Habitat from 1985 Aerials:**

32 The 1985 existing conditions aerials classify this property disturbed code 740
33 on panel 291 and 299, adjacent to code 612, fringing mangrove wetland.

34 **H. Existing Vegetation / Habitat:**

35 There is a borrow pit or man-made lake in the southern end of the property.
36 There are mature native trees and native vegetation throughout the entire
37 property. Towards the northern boundary of the lake there are some
38 Brazilian pepper intertwined with buttonwood and mangroves. The
39 southern portion of the lake there is a paved asphalt area. Beyond the
40 asphalt road there appears to be a small portion of native hardwood trees,
41 mostly seagrasses and buttonwood followed by buttonwood/mangrove
42 community.

43 **I. Community Character of Immediate Vicinity:**

44 The site abuts a larger Native Area (NA) to the south and Suburban
45 Residential (SR) area to the east both owned by the State of Florida. The
46 western properties are also zoned SR and are privately owned. All
47 surrounding parcels are undeveloped except the Florida Keys Electric

Cooperative parcel and will be designated as Tier I, if the Tier system is approved.

VI REVIEW OF APPLICATION:

A. Zoning and Land Use History:

This parcel is not part of a subdivision and has never been platted. County records indicate that in 1970, a zoning change was requested for this parcel from GU (General Use) to RU-5 (Mobile Home Park Residential District) with a variance to permit campers in an RU-5 zone. This request was approved. Prior to 1986, the parcel was designated as RU-5P which did allow for camping and recreational vehicle use.

B. Considerations during 1986 Comprehensive Plan Process

This parcel was designated Suburban Commercial (SC) in 1986 and deemed to have a minor conditional use in order to operate as a campground and rent out RV spaces.

C. Map Changes or Boundary Changes since 1986:

None.

VII ANALYSIS AND RATIONALE FOR CHANGE

Pursuant to MCC § 9.5-511 (d) (5) b., the six reasons a land use district change can be approved are listed along with applicant and Staff justifications. It is the applicant's burden to justify overturning existing land use designations previously set by the Board of County Commissioners.

A. Changed Projections

1. *Applicant:* None
2. *Staff:* This parcel does not meet the defined purpose of the SC district as it does not provide commercial uses for the immediate planning area, and the only access to the parcel is via US-1. Changing the designation to MU will allow for a greater variety of both commercial and residential use on the parcel. There is an increased need for mixed use developments which combine both commercial and residential uses. SC limits the type of residential use allowed to commercial apartments, employee housing and institutional housing whereas MU allows detached permanent residential use, commercial apartments, affordable and employee housing.

B. Changed Assumptions

1. *Applicant:* None
2. *Staff:* None

1 C. Data Errors

- 2
3 1. *Applicant:* None
4 2. *Staff:* None
5

6 D. New Issues

- 7
8 1. *Applicant:* Historical development patterns assumed single use
9 developments. Current approaches to development are aimed at
10 creating mixed use developments. Mixed use developments also
11 help to support state mandated affordable housing initiatives and
12 are consistent with the FLUM designation of Mixed
13 Use/Commercial. This site was identified as a receiver site of
14 ROGO exemptions to build forty-seven (47) attached affordable
15 housing units. SC only allows employee housing not affordable
16 housing. Employee housing has more restrictive standards than
17 affordable housing, and is not the best use of the land or
18 investment. Changing the SC portion to MU will allow for
19 affordable housing and a mixed use development that will be of
20 more benefit to Monroe County.
21
22 2. *Staff:* Although permanent residential use is protected under the
23 LDRs, changing the designation of SC to MU will allow a greater
24 variety of housing types along with a mix of commercial use to be
25 built. There are thirteen (13) market rate ROGO exemptions on
26 the site. Please be aware that any redevelopment of the units will
27 be required to meet the inclusionary housing guidelines pursuant
28 to §9.5-266(a)(5) as these market rate units were mobile homes.
29

30 E. Recognition of the need for additional detail or comprehensiveness

- 31
32 1. *Applicant:* None
33 2. *Staff:* None
34

35 F. Data Updates

- 36
37 1. *Applicant:* None
38 2. *Staff:* None
39

40 VIII IMPACT AND POLICY ANALYSIS

41
42 A. Current Land Use Designation

43
44 Sec. 9.5-206. Purpose of the Sub Urban Commercial District (SC).

45 The purpose of the SC district is to establish areas for commercial uses designed
46 and intended primarily to serve the needs of the immediate planning area in

which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1.

Currently, the parcel retains only the rights for thirteen (13) permanent residential units, and has been identified as the receiver site for forty-seven (47) affordable units. This use is not commercial, and the only access to the parcel is via U.S. 1.

B. Proposed Land Use Designation

Sec. 9.5-219. Purpose of the Mixed Use District (MU).

The purpose of the MU district is to establish or conserve areas of mixed uses, including commercial fishing, resorts, residential, institutional and commercial uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys.

Changing the land use designation will permit the parcel to redevelop with a mixture of housing types.

C. Compatibility with adjacent uses and community character

1. Density and Intensity

This parcel is surrounded by natural areas and hammock. The proposed development will need to include adequate bufferyards to protect the surrounding environment.

2. Allocated Max Net Density permitted Per Acre

Sec. 9.5-262. Maximum residential density and district open space.*

Land use district	Allocated density DU/acre	Maximum net density DU/buildable area	Open space ratio
Suburban Commercial	3.0	6.0	0.2
(Employee housing)	3.0	15.0	0.2
Mixed Use	1.0	12.0	0.2
(Affordable housing)	1.0	18.0	0.2
(Employee housing)	1.0	18.0	0.2

Sec. 9.5-267. Maximum hotel-motel, recreational vehicle and institutional residential densities.

Land Use District and Use	Allocated Density (rooms/ acre)	Max Net Density (rooms/buildable acre)	O.S.R.*
Suburban Commercial:			
Hotel	10.0	15.0	0.0
Inst. Rental	5.0*	20.0	0.0
Rec. Rental	10.0*	10.0*	0.0
Mixed Use:			
Hotel	10.0	15.0	0.2
Inst. Res.	5.0	20.0	0.2
Rec. Rental	10.0*	10.0*	0.2
Inst.	5.0	20.0	0.2

*Recreational vehicle or campground spaces per acre

Institutional Residential is allowed in MU but not in SC. Institutional Residential use is group homes, foster homes, and elderly care centers.

Sec. 9.5-269. Maximum nonresidential land use intensities and district open space.*

Land Use District	Maximum Floor Area Ratio	O.S.R.*
Suburban Commercial:		
Commercial Retail:		
Low intensity	0.35	0.20
Medium intensity	0.25	0.20
High intensity	0.15	0.20
Offices	0.40	0.20
Commercial Recreational	0.10	0.20
Institutional	0.30	0.20
Outdoor Recreational	0.10	0.20
Public Buildings and Uses	0.30	0.20
Light Industry	0.30	0.20
Mixed Use:		
Commercial Retail:		
Low intensity	0.35	0.20
Medium intensity	0.25	0.20
High intensity	0.15	0.20
Offices	0.40	0.20
Commercial Recreational	0.10	0.20
Institutional	0.30	0.20
Outdoor Recreational	0.10	0.20
Public Buildings and Uses	0.30	0.20
Commercial Fishing	0.40	0.20
Light Industry	0.30	0.20

1 Uses and intensities are the same in both districts with the exception that commercial
2 fishing is allowed in MU but not SC.
3

4 **D. Effects on Natural Resources Goal 102**

5
6 Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall
7 direct future growth to lands which are intrinsically most suitable for development
8 and shall encourage conservation and protection of environmentally sensitive lands.
9 Future development would be required to comply with all Monroe County Code,
10 State and Federal environmental regulations.
11

12 ~~Utilizing the developed area of this parcel will provide for needed affordable~~
13 ~~housing without having to clear land elsewhere. As long as appropriate bufferyards~~
14 ~~and standards set forth in the LDR's are adhered to, the development of this parcel~~
15 ~~will not have a negative effect of Natural Resources Goal 102.~~
16

17 **E. Effect on Public Facilities: Objective 101.11**

18
19 Monroe County shall implement measures to direct future growth away from
20 environmentally sensitive land and towards established development areas served
21 by existing public facilities. The proposed Land Use District Map amendment will
22 not affect Objective 101.11 and will encourage commercial development to remain
23 on disturbed lands rather than encroaching on environmentally sensitive areas.
24

25 IX. FINDINGS OF FACT

- 26
27 1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of
28 County Commissioners to consider adopting an ordinance to enact map changes
29 under six listed conditions.
30
31 2. In accordance with **Section 9.5-511 (d) (5) (b)**, the proposal has met the following
32 **conditions:**
33
34 (ii.) **Changed assumptions:** The parcel does not meet and is not situated to meet the
35 purpose of the SC land use district as the only access to the parcel is via US-1.
36 Additionally, there is adequate vacant commercial property in Key Largo but
37 there is a need for mixed use developments which will support a mixture of
38 residential and commercial uses.
39
40 (iv.) **New issues:** Mixed use developments help to support state mandated
41 affordable housing initiatives and are consistent with the FLUM designation of
42 Mixed Use/Commercial.
43
44 3. The subject property was zoned GU and RU-5P prior to 1986.
45
46 4. The subject property was assigned split land use district designation of Suburban
47 Commercial (SC), Suburban Residential (SR) and Native Area (NA) in 1986.

- 1
- 2 5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan,
- 3 which took effect on January 4, 1996, followed the land use district boundaries and
- 4 designated future land use categories of Mixed Use/Commercial (MC), Residential
- 5 Low (RL), and Residential Conservation (RC) for the parcel.
- 6
- 7 6. **Section 9.5-511** prohibits any map amendments that would negatively impact
- 8 community character. No negative impacts were identified by changing the SC
- 9 portion of the parcel to Mixed Use (MU).
- 10
- 11 7. **Objective 101.11** states that Monroe County shall ensure that at the time a
- 12 development permit is issued, adequate public facilities are available to serve the
- 13 development at the adopted level of service standards concurrent with the impacts
- 14 of such development.
- 15
- 16 8. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for
- 17 stormwater and wastewater indicate that there are no significant concerns.
- 18

19 X. CONCLUSIONS OF LAW:

- 20
- 21 1. The proposed map amendment meets criteria (ii) and (iv) outlined in Section 9.5-511
- 22 of the Monroe County Land Development Regulations.
- 23
- 24 2. The proposed map amendment will not result in a negative impact or alter the
- 25 character of the properties or the immediate vicinity.
- 26
- 27 3. Based on the Findings of Facts presented, the proposed land use designation is
- 28 appropriate for this property and will allow the owners to make full use of the
- 29 subject property.
- 30

31 XI. RECOMMENDATION

32

33 Staff recommends that the Planning Commission recommend approval of the land use

34 designation change.